

**Senate File 2174 - Introduced**

SENATE FILE 2174  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3092)

**A BILL FOR**

1 An Act relating to the regulation of persons offering  
2 occupational therapy services and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 148B.2, subsection 2, Code 2011, is  
2 amended to read as follows:

3 2. "*Occupational therapy*" means the therapeutic application  
4 ~~of specific tasks used for the purpose of evaluation and~~  
5 ~~treatment of problems interfering with functional performance~~  
6 ~~in persons impaired by physical illness or injury, emotional~~  
7 ~~disorder, congenital or developmental disability, or the aging~~  
8 ~~process in order to achieve optimum function, for maintenance~~  
9 ~~of health and prevention of disability~~ use of occupations,  
10 including everyday life activities with individuals, groups,  
11 populations, or organizations to support participation,  
12 performance, and function in roles and situations in home,  
13 school, workplace, community, and other settings. Occupational  
14 therapy services are provided for habilitation, rehabilitation,  
15 and the promotion of health and wellness to those who have  
16 or are at risk for developing an illness, injury, disease,  
17 disorder, condition, impairment, disability, activity  
18 limitation, or participation restriction. Occupational  
19 therapy addresses the physical, cognitive, psychosocial,  
20 sensory-perceptual, and other aspects of performance in a  
21 variety of contexts and environments to support engagement in  
22 occupations that affect physical and mental health, well-being,  
23 and quality of life.

24 Sec. 2. Section 148B.3, subsection 5, Code 2011, is amended  
25 by striking the subsection.

26 Sec. 3. Section 148B.3, subsection 6, Code 2011, is amended  
27 to read as follows:

28 6. A nonresident performing occupational therapy services  
29 in the state who is not licensed under this chapter, if the  
30 services are performed for not more than ~~ninety~~ thirty days in  
31 a calendar year in association with an occupational therapist  
32 licensed under this chapter, and the nonresident meets either  
33 of the following requirements:

34 a. The nonresident is licensed under the law of another  
35 state which has licensure requirements at least as stringent as

1 the requirements of this chapter, ~~or~~.

2 *b.* The nonresident meets the requirements for certification  
3 as an occupational therapist registered (O.T.R.), or  
4 a certified occupational therapy assistant (C.O.T.A.)  
5 established by the ~~American~~ national board for certification in  
6 occupational therapy association.

7 Sec. 4. Section 148B.4, Code 2011, is amended to read as  
8 follows:

9 **148B.4 Limited permit.**

10 1. A limited permit to practice occupational therapy may  
11 be granted to ~~persons~~ a person who have has completed the  
12 ~~education and experience~~ academic and field work requirements  
13 ~~of~~ for occupational therapists under this chapter and has  
14 not yet taken or received the results of the entry-level  
15 certification examination. ~~This permit shall~~ A permit granted  
16 pursuant to this subsection shall be valid for a period of  
17 time as determined by the board by rule and shall allow the  
18 person to practice occupational therapy under the direction  
19 and appropriate supervision of a ~~licensed~~ an occupational  
20 therapist ~~and shall be valid until the date on which the~~  
21 ~~results of the next qualifying examination have been made~~  
22 public licensed under this chapter. ~~This~~ The permit shall  
23 expire when the person is issued a license under section 148B.5  
24 or if the person is notified that the person did not pass the  
25 examination. ~~The limited permit shall not be renewed if the~~  
26 ~~applicant has failed the examination.~~

27 2. A limited permit to assist in the practice of  
28 occupational therapy may be granted to a person who has  
29 completed the academic and field work requirements for  
30 occupational therapy assistants under this chapter and has  
31 not yet taken or received the results of the entry-level  
32 certification examination. A permit granted pursuant to this  
33 subsection shall be valid for a period of time as determined  
34 by the board by rule and shall allow the person to assist in  
35 the practice of occupational therapy under the direction and

1 appropriate supervision of an occupational therapist licensed  
2 under this chapter. The permit shall expire when the person  
3 is issued a license under section 148B.5 or if the person is  
4 notified that the person did not pass the examination. The  
5 limited permit shall not be renewed.

6 Sec. 5. Section 148B.6, Code 2011, is amended to read as  
7 follows:

8 **148B.6 Waiver of requirements for licensing.**

9 ~~1.~~ The board may waive the examination and grant a license  
10 ~~to:~~

11 1. To a person certified prior to January 1, 1981, as an  
12 occupational therapist registered (O.T.R.) or a certified  
13 occupational therapy assistant (C.O.T.A.) by the American  
14 ~~Occupational Therapy Association~~ occupational therapy  
15 association.

16 ~~2. The board shall waive the education and experience~~  
17 ~~requirements for licensure in section 148B.5, subsections~~  
18 ~~1 and 2, for applicants for a license who present evidence~~  
19 ~~to the board that they have been engaged in the practice of~~  
20 ~~occupational therapy on and prior to January 1, 1981. Proof~~  
21 ~~of actual practice shall be presented to the board in a manner~~  
22 ~~as it prescribes by rule. To obtain the benefit of this~~  
23 ~~waiver, an applicant must successfully complete the examination~~  
24 ~~within one year from January 1, 1981. However, the waiver is~~  
25 ~~conditional upon the applicant satisfying the education and~~  
26 ~~experience requirements of section 148B.5, subsections 1 and~~  
27 ~~2, within five years of the waiver being granted and if those~~  
28 ~~requirements are not satisfied at the expiration of those five~~  
29 ~~years the board shall revoke the license.~~

30 ~~3.~~ 2. The board may waive the examination and grant a  
31 ~~license to~~ To an applicant who presents proof of current  
32 licensure as an occupational therapist or occupational therapy  
33 assistant in another state, the District of Columbia, or a  
34 territory of the United States which requires standards for  
35 licensure considered by the board to be equivalent to the

1 requirements for licensure of this chapter.

2 Sec. 6. NEW SECTION. 148B.8 Unlawful practice.

3 1. A person shall not practice occupational therapy or  
4 assist in the practice of occupational therapy, provide  
5 occupational therapy services, hold oneself out as an  
6 occupational therapist or occupational therapy assistant or  
7 as being able to practice occupational therapy or assist in  
8 the practice of occupational therapy, or provide occupational  
9 therapy services in this state unless the person is licensed  
10 under this chapter.

11 2. It is unlawful for any person not licensed as an  
12 occupational therapist in this state or whose license is  
13 suspended or revoked to use in connection with the person's  
14 name or place of business in this state the words "occupational  
15 therapist", "licensed occupational therapist", or any word,  
16 title, letters, or designation that implies that the person is  
17 an occupational therapist.

18 3. It is unlawful for any person not licensed as an  
19 occupational therapy assistant in this state or whose  
20 license is suspended or revoked to use in connection with the  
21 person's name or place of business in this state, the words  
22 "occupational therapy assistant", "licensed occupational  
23 therapy assistant", or any word, title, letters, or designation  
24 that implies that the person is an occupational therapy  
25 assistant.

26 Sec. 7. NEW SECTION. 148B.9 False use of titles prohibited.

27 A person or business entity, including the employees,  
28 agents, or representatives of the business entity, shall  
29 not use in connection with that person or business entity's  
30 business activity, the words "occupational therapy",  
31 "occupational therapist", "licensed occupational therapist",  
32 "doctor of occupational therapy", "occupational therapy  
33 assistant", "licensed occupational therapy assistant", or the  
34 letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", or  
35 any words, abbreviations, or insignia indicating or implying

1 that occupational therapy is provided or supplied unless such  
2 services are provided by or under the direction and supervision  
3 of an occupational therapist licensed pursuant to this chapter.

4 EXPLANATION

5 This bill amends Code chapter 148B, regulating persons  
6 offering occupational therapy services. The bill amends the  
7 definition of "occupational therapy" to mean the therapeutic  
8 use of occupations, including everyday life activities to  
9 support participation, performance, and function in roles and  
10 situations in a variety of settings. The bill states that  
11 occupational therapy services are provided for habilitation,  
12 rehabilitation, and the promotion of health and wellness. The  
13 bill states that occupational therapy addresses physical,  
14 cognitive, psychosocial, sensory-perceptual, and other aspects  
15 of performance to support engagement in occupations that affect  
16 physical and mental health, well-being, and quality of life.

17 The bill strikes Code section 148B.3(5), regarding the  
18 limited practice of a nonresident performing occupational  
19 therapy services in the state. The bill amends Code section  
20 148B.3(6) to decrease the number of days in which a nonresident  
21 performing occupational therapy services in the state who is  
22 not licensed under Code chapter 148B can perform services in  
23 a calendar year from 90 to 30 days. The bill also amends Code  
24 section 148B.3(6) to provide that a nonresident practicing in  
25 the state without a license pursuant to the Code chapter must  
26 meet the requirements for certification as an occupational  
27 therapist or a certified occupational therapy assistant  
28 established by the national board for certification in  
29 occupational therapy.

30 The bill amends Code section 148B.4 to state that a limited  
31 permit to practice occupational therapy or to assist in the  
32 practice of occupational therapy may be granted to a person who  
33 has completed the academic and field work requirements, but  
34 has not taken or has not received results from the entry-level  
35 certification examination. The limited permit is valid for a

1 period determined by the board by rule and allows a person to  
2 practice occupational therapy, or to assist in the practice  
3 of occupational therapy, under the direction and appropriate  
4 supervision of an occupational therapist licensed under the  
5 Code chapter. The limited permit expires when the person is  
6 issued a license under Code section 148B.5 or the person is  
7 notified that the person did not pass the examination. The  
8 limited permit may not be renewed.

9 The bill amends Code section 148B.6 by striking a provision  
10 regarding the waiver of the education and experience  
11 requirements for licensure of applicants who present evidence  
12 of engagement in the practice of occupational therapy on or  
13 prior to January 1, 1981.

14 The bill provides that it is unlawful for a person to  
15 practice occupational therapy or to assist in that practice,  
16 or claim to be an occupational therapist or occupational  
17 therapy assistant, or claim to practice occupational therapy  
18 or assist in the practice of occupational therapy, or provide  
19 occupational therapy services in the state without a license.  
20 The bill specifies that a person not licensed in the state  
21 as an occupational therapist or an assistant in the practice  
22 of occupational therapy shall not use words that would imply  
23 the person is an occupational therapist or an assistant to an  
24 occupational therapist.

25 The bill also specifies that a person shall not use words or  
26 other abbreviations in connection with that person's business  
27 activity that would imply that occupational therapy is provided  
28 unless the services are provided under the direction and  
29 supervision of an occupational therapist licensed under Code  
30 chapter 148B.

31 A person who violates this bill may be subject to licensing  
32 sanctions and, unless a specific penalty is otherwise provided,  
33 is guilty of a serious misdemeanor pursuant to Code section  
34 147.86.